

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA,
1937

Cr1.MC.No. 7898 of 2015

IN S.C 488/2012 of ADDL. SESSIONS COURT I, MANJERI

CRIME NO. 99/2012 OF PONNANI POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

1. ASHRAF @ MUHAMMED ASHRAF, AGED 38 YEARS,
S/O.ABDULLA, PARAPPOORVALAPPIL HOUSE, MANOOR,
KALADI P.O, PONNANI TALUK, MALAPPURAM DISTRICT
2. MAJEED @ ABDUL MAJEED, AGED 35 YEARS,
S/O.ABDULLA, PARAPPOORVALAPPIL HOUSE, MANOOR,
KALADI P.O, PONNANI TALUK, MALAPPURAM DISTRICT
3. BUSHRA, AGED 31 YEARS,
W/O.ASHRAF, PARAPPOORVALAPPIL HOUSE, MANOOR,
KALADI P.O, PONNANI TALUK, MALAPPURAM DISTRICT
4. KADEEJA, AGED 71 YEARS,
W/O.ABDULLA, PARAPPOORVALAPPIL HOUSE, MANOOR,
KALADI P.O, PONNANI TALUK, MALAPPURAM DISTRICT

BY ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENTS/STATE, DEFACTO COMPLAINANT & INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031
2. THAHIRA, AGED 53 YEARS,
W/O.BAVA ALI, PALLIYALIL HOUSE, MANOOR,
KALADI P.O, VATTAMKULAM VILLAGE, PONNANI TALUK,
MALAPPURAM DISTRICT, PIN 679582

3. BADUSHA, AGED 32 YEARS,
S/O.BAVA ALI, PALLIYALIL HOUSE, MANOOR,
KALADI P.O, VATTAMKULAM VILLAGE, PONNANI TALUK,
MALAPPURAM DISTRICT, PIN 679582
4. JAMEELA, AGED 49 YEARS,
W/O.MUHAMMED, PALLIYALIL HOUSE, MANOOR,
KALADI P.O, VATTAMKULAM VILLAGE, PONNANI TALUK
MALAPPURAM DISTRICT, PIN 679582

R2-4 BY ADV. SMT.T.J.MARIA GORETTI
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 18-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7898 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO. 99/2012 OF PONNANI POLICE STATION

ANNEXURE B: COPY OF THE FINAL REPORT IN CRIME NO.99/2012
OF PONNANI POLICE STATION

ANNEXURE C:AFFIDAVIT EXECUTED BY THE SECOND RESPONDENT

ANNEXURE D:AFFIDAVIT EXECUTED BY THE THIRD RESPONDENT

ANNEXURE E:AFFIDAVIT EXECUTED BY THE FOURTH RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7898 of 2015

Dated this the 18th day of December, 2015

O R D E R

The petitioners herein are the four accused in S.C No.488/2012 of the Additional Sessions Court I, Manjeri. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 341, 323, 324 and 308 of the Indian Penal Code on the complaint of one Thahira who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. The other persons who sustained injuries in the alleged incident are the respondent Nos.2 to 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused and they have no grievance or complaint now.

3. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the

parties have really settled the whole dispute amicably out of court, and continuance of the prosecution will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. On a perusal of the materials I find that Section 308 IPC was incorporated in the proceeding by the police on the basis of a purely hypothetical statement. This is only a simple case of assault, which now stands settled between the parties. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No.488/2012 of the Additional Sessions Court I, Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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//True Copy//

P.A to Judge